

ESTTA Tracking number: **ESTTA535653**

Filing date: **05/01/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Motorola Trademark Holdings, LLC
Granted to Date of previous extension	05/01/2013
Address	600 North U.S. Highway 45 Libertyville, IL 60048 UNITED STATES

Attorney information	Kristin J. Achterhof Katten Muchin Rosenman LLP 525 West Monroe Street Chicago, IL 60661 UNITED STATES kristin.achterhof@kattenlaw.com, jeff.wakolbinger@kattenlaw.com, deborah.wing@kattenlaw.com Phone:312-902-5200
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Applicant Information

Application No	85686307	Publication date	01/01/2013
Opposition Filing Date	05/01/2013	Opposition Period Ends	05/01/2013
Applicant	VALOR COMMUNICATION, INC. 18071 Arenth Avenue City of Industry, CA 91748 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: CELL PHONE ACCESSORIES, NAMELY, CELL PHONE BATTERIES, CELL PHONE BATTERY CHARGERS, HANDS FREE KITS, CELL PHONE CASES, CELL PHONE BACKPLATE AND FACEPLATE

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3477883	Application Date	05/16/2003
Registration Date	07/29/2008	Foreign Priority	NONE

		Date	
Word Mark	M		
Design Mark			
Description of Mark	The mark consists of "M" in a circle.		
Goods/Services	<p>Class 009. First use: First Use: 2001/10/31 First Use In Commerce: 2001/10/31 TELEPHONES; CORDLESS, WIRELESS, AND SMART PHONES; BATTERIES; BATTERY CHARGERS; CLIPS FOR MOBILE TELEPHONES; HOLDERS FOR MOBILE TELEPHONES; DESKTOP STANDS FOR MOBILE TELEPHONES; MICROPHONES; MOBILE PHONE ACCESSORIES IN THE NATURE OF HANDS FREE HOLDERS, HEADSETS, MICROPHONES AND SPEAKERS FOR MOBILE PHONES; CAR KITS FOR THE ADAPTATION OF PORTABLE COMMUNICATION APPARATUS AND INSTRUMENTS FOR VEHICULAR USE, COMPRISING OF ANTENNAS, ANTENNA TRANSMISSION WIRES, ANTENNA ADAPTERS, CABLES, EARPHONES, HANDSFREE MICROPHONES, PHONE HOLDERS, SPEAKERS, CAR CHARGERS, DATA CABLES AND ELECTRICAL WIRES; ELECTRIC ADAPTOR CABLES; TWO-WAY RADIOS; PAGERS; RADIO FREQUENCY IDENTIFICATION TAGS FOR RADIO FREQUENCY CODES; RADIO TELEPHONE INFRASTRUCTURE EQUIPMENT AND SYSTEMS COMPRISED OF BASE STATIONS, REPEATERS, RECEIVERS, CONTROLLERS AND COMPARATORS; GPS RECEIVERS AND TRANSMITTERS; MULTIPLEXERS; ANTENNAS; SERVICERS; ROUTERS; DATA SMART CARDS; MODEMS; ELECTRONIC SYSTEMS AND APPARATUS, NAMELY, SCRAMBLERS, DE SCRAMBLERS, ENCODERS AND DECODERS, FOR SCRAMBLING, DESCRAMBLING, ENCODING AND DECODING OF VOICE, DATA, IMAGE AND VIDEO TRANSMISSIONS; ELECTRONIC DATA INPUT AND OUTPUT APPARATUS, NAMELY TERMINALS, RECEIVERS, TRANSMITTERS, DECODERS, AND TRANSCEIVERS CAPABLE OF PROCESSING BROADCAST, SATELLITE, FACSIMILE, TELEVISION, TELECOMMUNICATION, NETWORK, INFRARED, VIDEO GAME, AND COMPUTER DATA SIGNALS AND FOR TRANSMISSION, REPRODUCING AND RECEIVING OF SOUND, IMAGES, VIDEO, MULTIMEDIA AND DATA; DATA PROCESSING EQUIPMENT, NAMELY DIGITAL SIGNAL PROCESSORS; COMPUTERS, COMPUTER SOFTWARE AND COMPUTER PROGRAMS USED FOR TRANSMISSION, REPRODUCING AND RECEIVING OF SOUND, IMAGES, VIDEO AND DATA OVER A TELECOMMUNICATIONS NETWORK OR SYSTEM BETWEEN TERMINALS AND FOR ENHANCING AND FACILITATING USE AND ACCESS TO COMPUTER NETWORKS AND TELEPHONE NETWORKS; TRAINING AND PRODUCT SUPPORT SOFTWARE FOR COMPUTERS AND MOBILE PHONES IN THE FIELD OF COMMUNICATIONS; COMPUTER UTILITY SOFTWARE FOR PERFORMING COMPUTER MAINTENANCE WORK; POWER SOURCES FOR COMMUNICATION NETWORK ELEMENTS, NAMELY BATTERIES AND POWER SUPPLIES; SUBSTATIONS AND REPEATERS, NAMELY SIGNAL AMPLIFIERS AND REPEATER AMPLIFIERS; ANALOG AND DIGITAL RADIO TRANSCEIVERS AND RECEIVERS FOR DATA, VOICE, IMAGE AND VIDEO COMMUNICATION; CAMERAS, NAMELY DIGITAL CAMERAS AND VIDEO CAMERAS; CALCULATORS; MODEM CARDS ALL FOR USE WITH COMMUNICATIONS APPARATUS; PRESSURE AND TEMPERATURE SENSORS; VEHICLE NAVIGATION APPARATUS, NAMELY, ON-BOARD COMPUTERS; SOFTWARE FOR SATELLITE TELEVISION PROGRAMMING; SOFTWARE FOR ON-SCREEN PROGRAM GUIDE; SET TOP BOXES; DVD PLAYERS AND RECORDERS; AND REMOTE CONTROLS</p> <p>Class 037. First use: First Use: 2001/10/31 First Use In Commerce: 2001/10/31 INSTALLATION, MAINTENANCE AND REPAIR OF ELECTRONIC EQUIPMENT, NAMELY, RADIO RECEIVING EQUIPMENT, RADIO</p>		

	<p>TRANSMITTING EQUIPMENT, TWO-WAY AND TRUNKING APPARATUS, PAGING APPARATUS, CELLULAR RADIOTELEPHONE APPARATUS AND COMMUNICATION EQUIPMENT</p> <p>Class 038. First use: First Use: 2001/10/31 First Use In Commerce: 2001/10/31 PROVIDING ACCESS TO A FIBER-OPTIC TELECOMMUNICATIONS NETWORK; NETWORK MANAGEMENT AND ADMINISTRATION; TELECOMMUNICATIONS NETWORK PLANNING; CONSULTING SERVICES IN THE FIELD OF TELECOMMUNICATIONS LIVE AND VIA THE GLOBAL COMPUTER INFORMATION NETWORK; AND COMPUTER SERVICES, NAMELY, PROVIDING AN INTERACTIVE SITE ON A GLOBAL COMPUTER NETWORK, ACCESSIBLE VIA COMPUTER AND WIRELESS COMMUNICATION DEVICES, WHICH INTERACTIVE SITE CONTAINS A PERSONAL DATA CENTER, FEATURING A CUSTOMIZABLE ADDRESS BOOK</p> <p>Class 042. First use: First Use: 2001/10/31 First Use In Commerce: 2001/10/31 BASIC AND APPLIED RESEARCH IN THE FIELDS OF PHYSICS, CHEMISTRY, ENGINEERING, COMPUTER PROGRAMMING, INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS; RESEARCH AND DEVELOPMENT OF NEW PRODUCTS FOR OTHERS IN THE FIELD OF TELECOMMUNICATIONS; COMPUTER SOFTWARE DESIGN FOR OTHERS; COMPUTER DATABASE DESIGN FOR OTHERS; COMPUTER SOFTWARE INTERFACE DESIGN FOR OTHERS; COMPUTER PROGRAMMING FOR OTHERS; DESIGN AND DEVELOPMENT OF DIGITAL TELECOMMUNICATIONS SYSTEMS FOR PUBLIC AND PRIVATE NETWORKS</p>
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U.S. Registration No.	3931229	Application Date	11/29/2006
Registration Date	03/15/2011	Foreign Priority Date	NONE
Word Mark	M		
Design Mark			
Description of Mark	The mark consists of "M" in a circle.		
Goods/Services	Class 035. First use: First Use: 2006/06/08 First Use In Commerce: 2006/06/08 Retail store services for communication devices and communication accessories and computer software		

U.S. Registration No.	847770	Application Date	03/30/1967
Registration Date	04/16/1968	Foreign Priority Date	NONE
Word Mark	M		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class U103 (International Class 037). First use: First Use: 1955/00/00 First Use In Commerce: 1955/00/00</p> <p>INSTALLATION AND REPAIR OF ELECTRONIC EQUIPMENT, SUCH AS RADIO RECEIVING EQUIPMENT, RADIO TRANSMITTING EQUIPMENT, TELEVISION APPARATUS, TWO-WAY RADIO APPARATUS, AND WIRELESS PAGING APPARATUS</p>		

U.S. Registration	1674103	Application Date	03/04/1991
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No.			
Registration Date	02/04/1992	Foreign Priority Date	NONE
Word Mark	M		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1955/07/00 First Use In Commerce: 1955/07/00</p> <p>radio communications apparatus; namely, radio receivers, radio transmitters, combination radio receivers and transmitters; communication control centers apparatus; cellular radio telephone systems; namely, cellular base stations and cellular radio telephone subscriber apparatus and parts therefor; electrical and electronic circuit elements; namely, amplifiers, insulators, condensers, [automatic vehicle location apparatus; emergency medical communications apparatus;] digital voice protection apparatus; single sideband communications apparatus; signaling and remote control apparatus; security and access control apparatus; [semiconductor products; namely, integrated circuits, microcomputers, microcontrollers, microprocessors and computer peripherals, memories and semiconductor material therefore;] electronic data conversion circuits; fiber optic active components; electronic interface circuits; motor control circuits; operational amplifiers; optoelectronics components; [pressure and temperature sensors;] telecommunications circuits; [thyristors and triggers;] computers and computer systems; namely, hardware and software in the field of electronic data processing; digital signal processors; digital and voice communications networks and components; namely, modems, multiplexers, processors, converters and switches; radio data communications systems; namely, network central processors, communications controllers, radio frequency modems, and portable data terminals; electronic mobile exchange switches; microcomputer board level apparatus; minicomputer and microcomputer systems; namely, hardware and software in the field of electronic data processing; electronic data switches; micro-to-mainframe interconnect apparatus; network management apparatus; protocol converters; concentrators and gateways; [vehicle control apparatus and sensors; power modules; relays and drivers; electronic ballasts; factory automation computer control systems; namely, hardware and software therefore; anti-lock braking system controls; automotive and industrial sensors; automotive body controls; instrumentation devices and components; motor controls; steering controls; suspension controls; transmission controls;] vehicle navigation apparatus; [vehicle theft alarm modules; software and computer hardware for hospital intensive care units; statistical process control apparatus]</p>		

U.S. Registration No.	1690267	Application Date	05/03/1991
Registration Date	06/02/1992	Foreign Priority Date	NONE
Word Mark	M		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 1990/10/19 First Use In Commerce: 1990/10/19</p> <p>clothing and sportswear; namely, shirts, sweaters, sweatshirts, sweatpants, sweatsuits, jerseys, shorts, bicycling shorts, pants, jackets, coats, rainwear, hats, caps, headwear, overalls, gloves and footwear</p>		

U.S. Registration	1694335	Application Date	05/03/1991
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No.			
Registration Date	06/16/1992	Foreign Priority Date	NONE
Word Mark	M		
Design Mark			
Description of Mark	The mark consists of the letter "M" in a circle.		
Goods/Services	Class 016. First use: First Use: 1990/10/19 First Use In Commerce: 1990/10/19 magazines, newsletters, guidebooks, and instruction books dealing with business, health, travel, and sports; posters, postcards, calendars, paper banners, and stickers		

U.S. Registration No.	2201018	Application Date	02/26/1997
Registration Date	11/03/1998	Foreign Priority Date	NONE
Word Mark	M		
Design Mark			
Description of Mark	The mark consists in part of a stylized letter "M".		
Goods/Services	<p>Class 006. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00 metal key chains and fobs</p> <p>Class 008. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00 [pocket knives]</p> <p>Class 009. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00 binoculars, calculators, computer peripherals, namely, mouse pads, electronic personal organizers, electronic currency converters, sunglasses and decorative magnets</p> <p>Class 011. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00 flashlights</p> <p>Class 014. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00 alarm clocks, desk clocks, charms, costume jewelry, lapel pins and watches</p> <p>Class 016. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00 clipboards, desk sets, desk stands and holders for pens and pencils, note pads, erasable note boards, pencils, ballpoint pens, fountain pens, erasers, pen sets and desk accessories, namely, metal holders for business cards and note paper, temporary tattoos, portfolios made of paper for stationery, and passport cases and holders made of leather or vinyl</p> <p>Class 018. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00 attache cases, brief cases, backpacks, duffel bags, tote bags, garment bags for travel, luggage, billfolds, business card cases made of leather or vinyl, credit card cases and holders made of leather or vinyl, drawstring pouches, fanny packs, waist packs, umbrellas, leather key fobs, luggage tags, brief-case portfolios, business card cases made of metal</p> <p>Class 020. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00 [portable and folding chairs,] key chains not made of metal, picture frames</p> <p>Class 021. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00 thermal insulated containers for food and beverages, drinking glasses made of glass and plastic, mugs, all-purpose portable household containers for water or liquid, containers for household or kitchen use for water or liquid</p> <p>Class 024. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00</p>		

	<p>blankets for bed and personal use, not including horse blankets, blankets for medical use or electric blankets, towels</p> <p>Class 025. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00 golf shirts, hats, caps, jackets, knit shirts, polo shirts, sweat shirts, sport shirts, sweaters, T-shirts, fleece pullovers</p> <p>Class 026. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00 [shoelaces, ornamental novelty pins and zipper pulls]</p> <p>Class 028. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00 [balloons, divot repair tool for golfers, golf bags, golf balls, golf tees, stuffed toy animals]</p>
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U.S. Registration No.	2193629	Application Date	08/12/1997
Registration Date	10/06/1998	Foreign Priority Date	NONE
Word Mark	M		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1955/00/00 First Use In Commerce: 1955/05/00 batteries		

Attachments	MYBAT_NOO_2.pdf (28 pages)(1199373 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/KJA/
Name	Kristin J. Achterhof
Date	05/01/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Applicant: Valor Communication, Inc.
Serial No.: 85/686,307
Mark: M MYBAT

Published in the Official Gazette on January 1, 2013

MOTOROLA TRADEMARK HOLDINGS, LLC,)

Opposer,)

v.)

VALOR COMMUNICATION, INC.,)

Applicant.)

Opposition No. _____

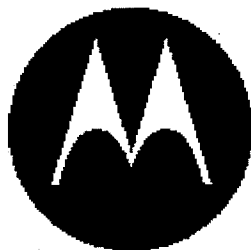
NOTICE OF OPPOSITION

Opposer, Motorola Trademark Holdings, LLC, is a Delaware limited liability company located at 600 North U.S. Highway 45, Libertyville, Illinois 60048. Motorola Trademark Holdings, LLC is a holding company for various Motorola trademarks and is responsible for licensing trademarks to Motorola Mobility, LLC and Motorola Solutions, Inc. Motorola Trademark Holdings, LLC, through its predecessors in interest and licensees (collectively, “Opposer”), is a well-known, worldwide innovator and provider of many goods and services, including, but not limited to, voice and data communication products and systems (including cell phones), related components and accessories, and other goods and services (collectively referred to hereinafter as “Opposer’s Goods and Services”). Opposer believes that it would be damaged by registration of the trademark M MYBAT (“Applicant’s Mark”), depicted in U.S. Application Serial No. 85/686,307 (the “Application”), filed on July 25, 2012, by Valor Communication, Inc. (the “Applicant”), a California corporation whose address of record in the Application is

18071 Arenth Avenue, City of Industry, California. Accordingly, Opposer, by and through its attorneys, hereby opposes registration of Applicant's Mark, and as grounds for opposition alleges as follows:

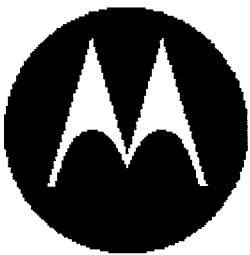
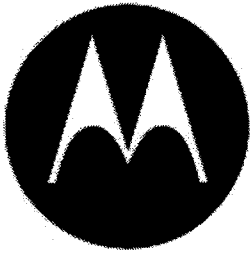

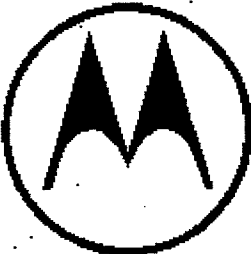

1. Since its inception in 1928, Opposer has been committed to innovation in the communications and electronics industries. Opposer has long been recognized by consumers as one of the leaders in the telecommunications industry, and Opposer's Goods and Services are also leaders in the industry.




2. Opposer adopted and began using its distinctive "M" insignia in connection with its communications devices and related components, accessories and services at least as early as 1955. Marks comprised of Opposer's stylized "M" insignia have been known by Opposer as the "Batwing Marks," and the public has come to refer to such marks as the "batwings." An example of a Batwing Mark is depicted below:



3. Opposer's Batwing Marks have been continuously used in the United States since they were first adopted by Opposer, and, through extensive sales, advertising and promotion, Opposer's Batwing Marks have come to represent the enormous goodwill owned by Opposer.

4. Opposer owns all rights, title and interest in and to its Batwing Marks, including, without limitation, the following marks registered with the United States Patent and Trademark Office:

Mark	Registration Number	Filing Date	International Classes
	3,477,883	5/16/03	9, 37, 38, 42
	3,931,229	11/29/06	35
	0,847,770	3/30/67	37
	1,674,103	3/4/91	9
	1,690,267	5/3/91	25

	1,694,335	5/3/91	16
	2,201,018	2/26/97	6, 9, 11, 14, 16, 18, 20, 21, 24, 25
	2,193,629	8/12/97	9

A true and correct copy of printouts from the TSDR database of the United States Patent and Trademark Office showing the current status and title of the foregoing Batwing Marks is attached hereto as Exhibit A.

5. Opposer's Batwing Marks are registered for, among other things, "telephones; cordless, wireless, and smart phones; batteries; battery chargers; clips for mobile telephones; holders for mobile telephones; desktop stands for mobile telephones; microphones; mobile phone accessories in the nature of hands free holders, headsets, microphones and speakers for mobile phones; car kits for the adaptation of portable communication apparatus and instruments for vehicular use, comprising of antennas, antenna transmission wires, antenna adapters, cables, earphones, handsfree microphones, phone holders, speakers, car chargers, data cables and

electrical wires; electric adaptor cables; two-way radios; pagers; radio frequency identification tags for radio frequency codes; radio telephone infrastructure equipment and systems comprised of base stations, repeaters, receivers, controllers and comparators; GPS receivers and transmitters; multiplexers; antennas; servicers; routers; data smart cards; modems; electronic systems and apparatus, namely, scramblers, de scramblers, encoders and decoders, for scrambling, descrambling, encoding and decoding of voice, data, image and video transmissions; electronic data input and output apparatus, namely terminals, receivers, transmitters, decoders, and transceivers capable of processing broadcast, satellite, facsimile, television, telecommunication, network, infrared, video game, and computer data signals and for transmission, reproducing and receiving of sound, images, video, multimedia and data; data processing equipment, namely digital signal processors; computers, computer software and computer programs used for transmission, reproducing and receiving of sound, images, video and data over a telecommunications network or system between terminals and for enhancing and facilitating use and access to computer networks and telephone networks; training and product support software for computers and mobile phones in the field of communications. computer utility software for performing computer maintenance work; power sources for communication network elements, namely batteries and power supplies; substations and repeaters, namely signal amplifiers and repeater amplifiers; analog and digital radio transceivers and receivers for data, voice, image and video communication; cameras, namely digital cameras and video cameras; calculators; modem cards all for use with communications apparatus; pressure and temperature sensors; vehicle navigation apparatus, namely, on-board computers; software for satellite television programming; software for on-screen program guide; set top boxes; dvd players and recorders; and remote controls” in International Class 9.

6. Opposer's foregoing registrations for Batwing Marks are valid, subsisting and in full force and effect; and Registrations 0,847,770; 1,674,103; 1,690,267; 1,694,335; 2,201,018; and 2,193,629 have become incontestable within the meaning of 15 U.S.C. §§ 1065 and 1115(b).

7. Opposer has also acquired significant common law rights in its Batwing Marks for use with Opposer's Goods and Services.

8. On July 25, 2012, Applicant filed the Application to register Applicant's Mark in the USPTO for "cell phone accessories, namely, cell phone batteries, cell phone battery chargers, hands free kits, cell phone cases, cell phone backplate and faceplate" in International Class 9 (referred to herein as "Applicant's Goods and Services").

9. Applicant's Mark consists of the letter "M" prominently displayed above the word "MYBAT" inside a circle. Applicant's Mark is depicted in the Application as follows:



10. The Application was filed as an intent-to-use application pursuant to 15 U.S.C. § 1051(b). The Application does not state that Applicant has used Applicant's Mark in commerce. Opposer's rights in the Batwing Marks arose prior to any rights that Applicant may have in Applicant's Mark.

11. Opposer's Batwing Marks are distinctive and famous, with such fame arising prior to any alleged rights of Applicant in Applicant's Mark.

12. Applicant's Mark is similar to Opposer's Batwing Marks in that both marks consist primarily of a stylized letter "M" inside a circle.

13. Applicant seeks to register Applicant's Mark in connection with Applicant's Goods and Services that are identical in part, and related in part, to goods and services that Opposer offers under Opposer's Batwing Marks.

COUNT I

(Likelihood of Confusion)

14. Opposer realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 13.

15. Applicant's Mark so resembles Opposer's Batwing Marks in sound, sight, meaning and commercial impression as to be likely, when applied to Applicant's Goods and Services, to cause confusion, mistake or deception by causing the public to believe that Applicant's Goods and Services originate from, or are otherwise sponsored or endorsed by Opposer in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), with consequent damage to Opposer and the public within the meaning of 15 U.S.C. § 1063(a).

COUNT II

(Dilution)

16. Opposer realleges and incorporates herein by reference the matters alleged in paragraphs 1 through 13.

17. Applicant's Mark causes dilution of the distinctive quality of Opposer's famous Batwing Marks, which are widely recognized by the general public, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), with consequent damage to Opposer and the public within the meaning of 15 U.S.C. § 1063(a).

REQUEST FOR RELIEF

18. For the foregoing reasons, among others, Opposer believes that it would be damaged by the registration of Applicant's Mark. Accordingly, Opposer respectfully requests that this Opposition be sustained and registration of Applicant's Mark be denied.

Dated: May 1, 2013

Respectfully submitted,

/Kristin J. Achterhof/

One of the attorneys for Opposer

Kristin J. Achterhof
Jeffrey A. Wakolbinger
Katten Muchin Rosenman LLP
525 West Monroe Street
Chicago, Illinois 60661
(312) 902-5200

CERTIFICATE OF SERVICE

I hereby certify that on today's date I caused a copy of the foregoing Notice of Opposition to be served upon counsel for Applicant via First Class Mail, with a courtesy copy via email, at the following address:

Thomas I. Rozsa
Rozsa Law Group LC
18757 Burbank Blvd., Suite 220
Tarzana, CA 91356-3346
tom@rozsalaw.com

Dated: May 1, 2013

/Kristin J. Achterhof/

EXHIBIT A



United States Patent and Trademark Office

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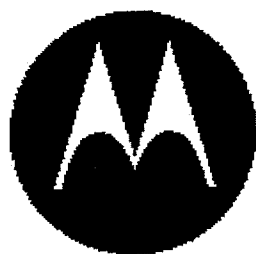
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TSDR

ASSIGN Status

TTAB Status

(Use the "Back" button of the Internet Browser to



Word Mark
Goods and
Services

M

IC 009. US 021 023 026 036 038. G & S: TELEPHONES; CORDLESS, WIRELESS, AND SMART PHONES; BATTERIES; BATTERY CHARGERS; CLIPS FOR MOBILE TELEPHONES; HOLDERS FOR MOBILE TELEPHONES; DESKTOP STANDS FOR MOBILE TELEPHONES; MICROPHONES; MOBILE PHONE ACCESSORIES IN THE NATURE OF HANDS FREE HOLDERS, HEADSETS, MICROPHONES AND SPEAKERS FOR MOBILE PHONES; CAR KITS FOR THE ADAPTATION OF PORTABLE COMMUNICATION APPARATUS AND INSTRUMENTS FOR VEHICULAR USE, COMPRISING OF ANTENNAS, ANTENNA TRANSMISSION WIRES, ANTENNA ADAPTERS, CABLES, EARPHONES, HANDSFREE MICROPHONES, PHONE HOLDERS, SPEAKERS, CAR CHARGERS, DATA CABLES AND ELECTRICAL WIRES; ELECTRIC ADAPTOR CABLES; TWO-WAY RADIOS; PAGERS; RADIO FREQUENCY IDENTIFICATION TAGS FOR RADIO FREQUENCY CODES; RADIO TELEPHONE INFRASTRUCTURE EQUIPMENT AND SYSTEMS COMPRISED OF BASE STATIONS, REPEATERS, RECEIVERS, CONTROLLERS AND COMPARATORS; GPS RECEIVERS AND TRANSMITTERS; MULTIPLEXERS; ANTENNAS; SERVICERS; ROUTERS; DATA SMART CARDS; MODEMS; ELECTRONIC SYSTEMS AND APPARATUS, NAMELY, SCRAMBLERS, DE SCRAMBLERS, ENCODERS AND DECODERS, FOR SCRAMBLING, DESCRAMBLING, ENCODING AND DECODING OF VOICE, DATA, IMAGE AND VIDEO TRANSMISSIONS; ELECTRONIC DATA INPUT AND OUTPUT APPARATUS, NAMELY TERMINALS, RECEIVERS, TRANSMITTERS, DECODERS, AND TRANSCEIVERS CAPABLE OF PROCESSING BROADCAST, SATELLITE, FACSIMILE, TELEVISION, TELECOMMUNICATION, NETWORK, INFRARED, VIDEO GAME, AND COMPUTER DATA SIGNALS AND FOR TRANSMISSION, REPRODUCING AND RECEIVING OF SOUND, IMAGES, VIDEO, MULTIMEDIA AND DATA; DATA PROCESSING EQUIPMENT, NAMELY DIGITAL SIGNAL PROCESSORS; COMPUTERS, COMPUTER SOFTWARE AND COMPUTER PROGRAMS USED FOR TRANSMISSION, REPRODUCING AND RECEIVING OF SOUND, IMAGES, VIDEO AND DATA OVER A TELECOMMUNICATIONS NETWORK OR SYSTEM BETWEEN TERMINALS AND FOR ENHANCING AND FACILITATING USE AND ACCESS TO COMPUTER NETWORKS AND TELEPHONE NETWORKS; TRAINING AND PRODUCT SUPPORT SOFTWARE FOR

COMPUTERS AND MOBILE PHONES IN THE FIELD OF COMMUNICATIONS. COMPUTER UTILITY SOFTWARE FOR PERFORMING COMPUTER MAINTENANCE WORK; POWER SOURCES FOR COMMUNICATION NETWORK ELEMENTS, NAMELY BATTERIES AND POWER SUPPLIES; SUBSTATIONS AND REPEATERS, NAMELY SIGNAL AMPLIFIERS AND REPEATER AMPLIFIERS; ANALOG AND DIGITAL RADIO TRANSCEIVERS AND RECEIVERS FOR DATA, VOICE, IMAGE AND VIDEO COMMUNICATION; CAMERAS, NAMELY DIGITAL CAMERAS AND VIDEO CAMERAS; CALCULATORS; MODEM CARDS ALL FOR USE WITH COMMUNICATIONS APPARATUS; PRESSURE AND TEMPERATURE SENSORS; VEHICLE NAVIGATION APPARATUS, NAMELY, ON-BOARD COMPUTERS; SOFTWARE FOR SATELLITE TELEVISION PROGRAMMING; SOFTWARE FOR ON-SCREEN PROGRAM GUIDE; SET TOP BOXES; DVD PLAYERS AND RECORDERS; AND REMOTE CONTROLS. FIRST USE: 20011031. FIRST USE IN COMMERCE: 20011031

IC 037. US 100 103 106. G & S: INSTALLATION, MAINTENANCE AND REPAIR OF ELECTRONIC EQUIPMENT, NAMELY, RADIO RECEIVING EQUIPMENT, RADIO TRANSMITTING EQUIPMENT, TWO-WAY AND TRUNKING APPARATUS, PAGING APPARATUS, CELLULAR RADIOTELEPHONE APPARATUS AND COMMUNICATION EQUIPMENT. FIRST USE: 20011031. FIRST USE IN COMMERCE: 20011031

IC 038. US 100 101 104. G & S: PROVIDING ACCESS TO A FIBER-OPTIC TELECOMMUNICATIONS NETWORK; NETWORK MANAGEMENT AND ADMINISTRATION; TELECOMMUNICATIONS NETWORK PLANNING; CONSULTING SERVICES IN THE FIELD OF TELECOMMUNICATIONS LIVE AND VIA THE GLOBAL COMPUTER INFORMATION NETWORK; AND COMPUTER SERVICES, NAMELY, PROVIDING AN INTERACTIVE SITE ON A GLOBAL COMPUTER NETWORK, ACCESSIBLE VIA COMPUTER AND WIRELESS COMMUNICATION DEVICES, WHICH INTERACTIVE SITE CONTAINS A PERSONAL DATA CENTER, FEATURING A CUSTOMIZABLE ADDRESS BOOK. FIRST USE: 20011031. FIRST USE IN COMMERCE: 20011031

IC 042. US 100 101. G & S: BASIC AND APPLIED RESEARCH IN THE FIELDS OF PHYSICS, CHEMISTRY, ENGINEERING, COMPUTER PROGRAMMING, INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS; RESEARCH AND DEVELOPMENT OF NEW PRODUCTS FOR OTHERS IN THE FIELD OF TELECOMMUNICATIONS; COMPUTER SOFTWARE DESIGN FOR OTHERS; COMPUTER DATABASE DESIGN FOR OTHERS; COMPUTER SOFTWARE INTERFACE DESIGN FOR OTHERS; COMPUTER PROGRAMMING FOR OTHERS; DESIGN AND DEVELOPMENT OF DIGITAL TELECOMMUNICATIONS SYSTEMS FOR PUBLIC AND PRIVATE NETWORKS. FIRST USE: 20011031. FIRST USE IN COMMERCE: 20011031

Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.21 - Circles that are totally or partially shaded.
Trademark Search Facility Classification Code	LETS-1 M A single letter, multiples of a single letter or in combination with a design SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles
Serial Number	78250829
Filing Date	May 16, 2003
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	March 29, 2005
Registration Number	3477883
Registration Date	July 29, 2008

Owner (REGISTRANT) Motorola, Inc. CORPORATION DELAWARE 1303 East Algonquin Road
Schaumburg ILLINOIS 60196

(LAST LISTED OWNER) MOTOROLA TRADEMARK HOLDINGS, LLC LIMITED LIABILITY
COMPANY DELAWARE 600 NORTH US HIGHWAY 45 LIBERTYVILLE ILLINOIS 60048

**Assignment
Recorded** ASSIGNMENT RECORDED

**Attorney of
Record** Arch M. Ahern

**Prior
Registrations** 0847770;0887046;1674103;2201018;AND OTHERS

**Description of
Mark** The mark consists of "M" in a circle.

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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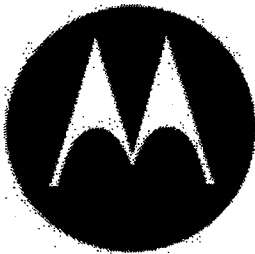
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Word Mark	M
Goods and Services	IC 035. US 100 101 102. G & S: Retail store services for communication devices and communication accessories and computer software. FIRST USE: 20060608. FIRST USE IN COMMERCE: 20060608
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.21 - Circles that are totally or partially shaded.
Serial Number	77053010
Filing Date	November 29, 2006
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	November 20, 2007
Registration Number	3931229
Registration Date	March 15, 2011
Owner	(REGISTRANT) MOTOROLA TRADEMARK HOLDINGS, LLC LIMITED LIABILITY COMPANY DELAWARE 600 NORTH US HIGHWAY 45 LIBERTYVILLE ILLINOIS 60048
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	William R. Anderson

Prior Registrations 0847770;0887046;AND OTHERS

Description of Mark Color is not claimed as a feature of the mark. The mark consists of "M" in a circle.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark	M
Goods and Services	IC 037. US 103. G & S: INSTALLATION AND REPAIR OF ELECTRONIC EQUIPMENT, SUCH AS RADIO RECEIVING EQUIPMENT, RADIO TRANSMITTING EQUIPMENT, TELEVISION APPARATUS, TWO-WAY RADIO APPARATUS, AND WIRELESS PAGING APPARATUS. FIRST USE: 19550000. FIRST USE IN COMMERCE: 19550000
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.02 - Circles, plain single line; Plain single line circles 26.05.16 - Triangles touching or intersecting 26.05.21 - Triangles that are completely or partially shaded 26.05.25 - Triangles with one or more curved sides 27.03.01 - Geometric figures forming letters, numerals or punctuation
Serial Number	72267966
Filing Date	March 30, 1967
Current Basis	1A
Original Filing Basis	1A
Registration Number	0847770
Registration Date	April 16, 1968
Owner	(REGISTRANT) MOTOROLA, INC. CORPORATION ILLINOIS 9401 W. GRAND AVE. FRANKLIN PARK ILLINOIS 60131 (LAST LISTED OWNER) MOTOROLA TRADEMARK HOLDINGS, LLC LIMITED LIABILITY COMPANY DELAWARE 600 NORTH US HIGHWAY 45 LIBERTYVILLE ILLINOIS 60048

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Arch M. Ahern
Prior Registrations 0726201;0819885;AND OTHERS
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECTION 8(10-YR) 20071030.
Renewal 1ST RENEWAL 20071030
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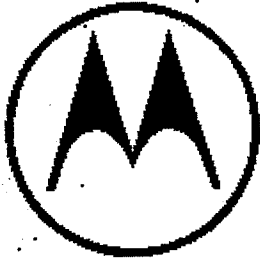
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Word Mark M

Goods and Services

IC 009. US 021 023 026 036 038. G & S: radio communications apparatus; namely, radio receivers, radio transmitters, combination radio receivers and transmitters; communication control centers apparatus; cellular radio telephone systems; namely, cellular base stations and cellular radio telephone subscriber apparatus and parts therefor; electrical and electronic circuit elements; namely, amplifiers, insulators, condensers, [automatic vehicle location apparatus; emergency medical communications apparatus;] digital voice protection apparatus; single sideband communications apparatus; signaling and remote control apparatus; security and access control apparatus; [semiconductor products; namely, integrated circuits, microcomputers, microcontrollers, microprocessors and computer peripherals, memories and semiconductor material therefore;] electronic data conversion circuits; fiber optic active components; electronic interface circuits; motor control circuits; operational amplifiers; optoelectronics components; [pressure and temperature sensors;] telecommunications circuits; [thyristors and triggers;] computers and computer systems; namely, hardware and software in the field of electronic data processing; digital signal processors; digital and voice communications networks and components; namely, modems, multiplexers, processors, converters and switches; radio data communications systems; namely, network central processors, communications controllers, radio frequency modems, and portable data terminals; electronic mobile exchange switches; microcomputer board level apparatus; minicomputer and microcomputer systems; namely, hardware and software in the field of electronic data processing; electronic data switches; micro-to-mainframe interconnect apparatus; network management apparatus; protocol converters; concentrators and gateways; [vehicle control apparatus and sensors; power modules; relays and drivers; electronic ballasts; factory automation computer control systems; namely, hardware and software therefore; anti-lock braking system controls; automotive and industrial sensors; automotive body controls; instrumentation devices and components; motor controls. steering controls; suspension controls; transmission controls;] vehicle navigation apparatus; [vehicle theft alarm modules; software and computer hardware for hospital intensive care units; statistical process control apparatus]. FIRST USE: 19550700. FIRST USE IN COMMERCE: 19550700

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.01.02 - Circles, plain single line; Plain single line circles

Serial Number 74144044

Filing Date March 4, 1991

Current Basis 1A

Original Filing Basis 1A

Published for Opposition November 12, 1991

Registration Number 1674103

Registration Date February 4, 1992

Owner (REGISTRANT) Motorola, Inc. CORPORATION DELAWARE 1303 East Algonquin Road Schaumburg ILLINOIS 60196

(LAST LISTED OWNER) MOTOROLA TRADEMARK HOLDINGS, LLC LIMITED LIABILITY COMPANY DELAWARE 600 NORTH US HIGHWAY 45 LIBERTYVILLE ILLINOIS 60048

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record William R. Anderson

Prior Registrations 1342154

Description of Mark Color is not claimed as a feature of the mark.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120307.

Renewal 2ND RENEWAL 20120307

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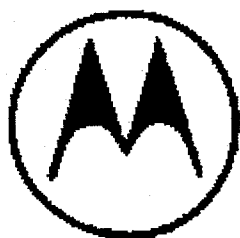
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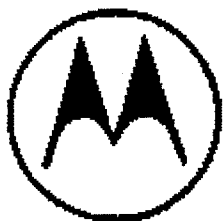
Word Mark	M
Goods and Services	IC 025. US 039. G & S: clothing and sportswear; namely, shirts, sweaters, sweatshirts, sweatpants, sweatsuits, jerseys, shorts, bicycling shorts, pants, jackets, coats, rainwear, hats, caps, headwear, overalls, gloves and footwear. FIRST USE: 19901019. FIRST USE IN COMMERCE: 19901019
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.01 - Circles as carriers or as single line borders
Serial Number	74163244
Filing Date	May 3, 1991
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	March 10, 1992
Registration Number	1690267
Registration Date	June 2, 1992
Owner	(REGISTRANT) Motorola, Inc. CORPORATION DELAWARE 1303 East Algonquin Road Schaumburg ILLINOIS 60196 (LAST LISTED OWNER) MOTOROLA TRADEMARK HOLDINGS, LLC LIMITED LIABILITY COMPANY DELAWARE 600 NORTH US HIGHWAY 45 LIBERTYVILLE ILLINOIS 60048
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Word Mark	M
Goods and Services	IC 016. US 037 038. G & S: magazines, newsletters, guidebooks, and instruction books dealing with business, health, travel, and sports; posters, postcards, calendars, paper banners, and stickers. FIRST USE: 19901019. FIRST USE IN COMMERCE: 19901019
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.01 - Circles as carriers or as single line borders
Serial Number	74163246
Filing Date	May 3, 1991
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	March 24, 1992
Registration Number	1694335
Registration Date	June 16, 1992
Owner	(REGISTRANT) Motorola, Inc. CORPORATION DELAWARE 1303 East Algonquin Road Schaumburg ILLINOIS 60196 (LAST LISTED OWNER) MOTOROLA TRADEMARK HOLDINGS, LLC LIMITED LIABILITY COMPANY DELAWARE 600 NORTH US HIGHWAY 45 LIBERTYVILLE ILLINOIS 60048
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Word Mark
Goods and
Services

M

IC 006. US 002 012 013 014 023 025 050. G & S: metal key chains and fobs. FIRST USE: 19941200. FIRST USE IN COMMERCE: 19941200

(CANCELLED) IC 008. US 023 028 044. G & S: [pocket knives]. FIRST USE: 19941200. FIRST USE IN COMMERCE: 19941200

IC 009. US 021 023 026 036 038. G & S: binoculars, calculators, computer peripherals, namely, mouse pads, electronic personal organizers, electronic currency converters, sunglasses and decorative magnets. FIRST USE: 19941200. FIRST USE IN COMMERCE: 19941200

IC 011. US 013 021 023 031 034. G & S: flashlights. FIRST USE: 19941200. FIRST USE IN COMMERCE: 19941200

IC 014. US 002 027 028 050. G & S: alarm clocks, desk clocks, charms, costume jewelry, lapel pins and watches. FIRST USE: 19941200. FIRST USE IN COMMERCE: 19941200

IC 016. US 002 005 022 023 029 037 038 050. G & S: clipboards, desk sets, desk stands and holders for pens and pencils, note pads, erasable note boards, pencils, ballpoint pens, fountain pens, erasers, pen sets and desk accessories, namely, metal holders for business cards and note paper, temporary tattoos, portfolios made of paper for stationery, and passport cases and holders made of leather or vinyl. FIRST USE: 19941200. FIRST USE IN COMMERCE: 19941200

IC 018. US 001 002 003 022 041. G & S: attache cases, brief cases, backpacks, duffel bags, tote bags, garment bags for travel, luggage, billfolds, business card cases made of leather or vinyl, credit card cases and holders made of leather or vinyl, drawstring pouches, fanny packs, waist packs, umbrellas, leather key fobs, luggage tags, brief-case portfolios, business card cases made of metal. FIRST USE: 19941200. FIRST USE IN COMMERCE: 19941200

IC 020. US 002 013 022 025 032 050. G & S: [portable and folding chairs,] key chains not made of

Renewal 1ST RENEWAL 20081203
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Word Mark	M
Goods and Services	IC 009. US 021 023 026 036 038. G & S: batteries. FIRST USE: 19550000. FIRST USE IN COMMERCE: 19550500
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.02 - Circles, plain single line; Plain single line circles
Serial Number	75339305
Filing Date	August 12, 1997
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	July 14, 1998
Registration Number	2193629
Registration Date	October 6, 1998
Owner	(REGISTRANT) Motorola, Inc. CORPORATION DELAWARE 1303 East Algonquin Road Schaumburg ILLINOIS 60196 (LAST LISTED OWNER) MOTOROLA TRADEMARK HOLDINGS, LLC LIMITED LIABILITY COMPANY DELAWARE 600 NORTH US HIGHWAY 45 LIBERTYVILLE ILLINOIS 60048
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Arch M. Ahern

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